

**IN THE UNITED STATES DISTRICT COURT
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00331-MR
[Criminal Case No. 1:07-cr-00033-MR-DLH-9]**

HAROLD EUGENE PATTON,)

Petitioner,)

VS.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

THIS MATTER is before the Court on the Government's Second Amended Answer, filed on February 11, 2014. [Doc. 16]. In this amended pleading, the Government asserts, contrary to its contention in earlier filings, that Petitioner has at least two prior convictions that qualified him for career offender status, even after the Fourth Circuit Court of Appeals *en banc* decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

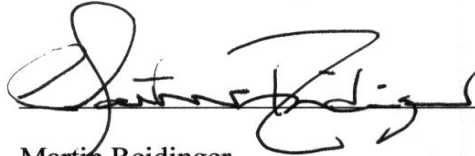
In light of the Government's Second Amended Answer, the Court enters the following Order.

IT IS, THEREFORE, ORDERED that within twenty-one (21) days of the entry of this Order, the Federal Defenders Office shall file a response to

the Government's Second Amended Answer and specifically address the Government's contention that Petitioner is not entitled to Simmons relief.

IT IS SO ORDERED.

Signed: May 20, 2014


Martin Reidinger
United States District Judge

